

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2017 FEB 21 P 3:18
SUSAN Y. SEONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES OF AMERICA,

V.

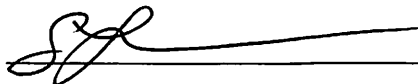
DONNELL ARTIS, THURMAN GAITHER III, ANTONIO
OLIVER, STERLING HOLMES, DAVONNE YOUNG, AND
ASKARI AQUIL MOHAMMED, A/K/A "CHANTA HOPKINS"

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 922(g)(1)-Felon in Possession of a Firearm; 18 U.S.C. §
1029(b)(2)-Conspiracy to Commit Access Device Fraud;
18 U.S.C. § 922(a)(6)-False Statement During Acquisition of a
Firearm; 18 U.S.C. § 1029(a)(2)-Access Device Fraud;
18 U.S.C. § 1028-Aggravated Identity Theft; 21 U.S.C. § 841(b)(1)
(B)(iii)-Possession with Intent to Distribute 28 Grams or more
Cocaine Base; 21 U.S.C. § 841(b)(1)(C)-Possession with Intent to
Distribute A Quantity of Cocaine

A true bill.



Foreman

Filed in open court this 21st day of

Feb, 2017

Clerk

Azure Beeler
United States Magistrate Judge

Bail, \$

No bail was set as to
Askari Aquil Mohammed and
Thurman Gaither. No process
for the return of the defendants.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 922(g)(1)
COUNT TWO: 18 U.S.C. § 1029(b)(2)
COUNT THREE: 18 U.S.C. § 922(a)(6)
COUNT FOUR: 18 U.S.C. § 1028A(a)(1)

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

DONNELL ARTIS

DISTRICT COURT NUMBER

16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SHAILIKA S. KOTIYA

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☒ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
United States v. Donnell Artis
CR 16-0477 VC
Superseding Indictment

FILED
2017 FEB 21 P 3:17
SUSAN Y. SOONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

Offenses Charged

Count One	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Three	18 U.S.C. § 922(a)(6) – False Statement During Acquisition of a Firearm
Count Four	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

Maximum Penalties

Count One	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Three	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Four	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 922(g)(1)
 COUNT TWO: 18 U.S.C. § 1029(b)(2)
 COUNT FIVE: 18 U.S.C. § 1029(a)(2)
 COUNT SIX: 18 U.S.C. § 1028A(a)(1)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

PENALTY:
 See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

THURMAN GAITHER, III

DISTRICT COURT NUMBER

16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges

2) ☒ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SHAILIKA S. KOTIYA

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

Attachment to Penalty Sheet
United States v. Thurman Gaither, III
CR 16-0477 VC
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Five	18 U.S.C. § 1029(a)(2) – Access Device Fraud
Count Six	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

Maximum Penalties

Count One	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Five	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Six	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 COUNT ONE: 18 U.S.C. § 922(g)(1)
 COUNT TWO: 18 U.S.C. § 1029(b)(2)
 COUNT SEVEN: 18 U.S.C. § 1029(a)(2)
 COUNT EIGHT: 18 U.S.C. § 1028A(a)(1)

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See Attached.

Name of District Court and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

ANTONIO OLIVER

DISTRICT COURT NUMBER

16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SHAILIKA S. KOTIYA

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
United States v. Antonio Oliver
CR 16-0477 VC
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Seven	18 U.S.C. § 1029(a)(2) – Access Device Fraud
Count Eight	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

Maximum Penalties

Count One	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Seven	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Eight	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 922(g)(1)
 COUNT TWO: 18 U.S.C. § 1029(b)(2)
 COUNT NINE: 18 U.S.C. § 1029(a)(2)
 COUNT TEN: 18 U.S.C. § 1028A(a)(1)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

PENALTY:
 See Attached.

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S. DISTRICT COURT

STERLING HOLMES

DISTRICT COURT NUMBER
 16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.
 1) ☐ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☒ Is on Bail or Release from (show District)

N.D. CAL.

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) SHAILIKA S. KOTIYA

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
United States v. Sterling Holmes
CR 16-0477 VC
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Nine	18 U.S.C. § 1029(a)(2) – Access Device Fraud
Count Ten	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

Maximum Penalties

Count One	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Nine	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Ten	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 COUNT ONE: 18 U.S.C. § 922(g)(1)
 COUNT TWO: 18 U.S.C. § 1029(b)(2)
 COUNT ELEVEN: 18 U.S.C. § 1029(a)(2)
 COUNT TWELVE: 18 U.S.C. § 1028A(a)(1)

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

DAVONE YOUNG

DISTRICT COURT NUMBER

16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

SHAILIKA S. KOTIYA

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☒ Is on Bail or Release from (show District)

N.D. Cal.

IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
United States v. Davone Young
CR 16-0477 VC
Superseding Indictment

Offenses Charged

Count One	18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm
Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Eleven	18 U.S.C. § 1029(a)(2) – Access Device Fraud
Count Twelve	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

Maximum Penalties

Count One	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment.
Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Eleven	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Twelve	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

COUNT TWO: 18 U.S.C. § 1029(b)(2)

COUNT THIRTEEN: 18 U.S.C. § 1029(a)(2)

COUNT FOURTEEN: 18 U.S.C. § 1028A(a)(1)

COUNT FIFTEEN: 21 U.S.C. § 841(b)(1)(B)(iii)

COUNT SIXTEEN: 21 U.S.C. § 841(b)(1)(C)

Forfeiture pursuant to 18 U.S.C. §§ 982(a)(2)(B); 1029(c)(1)(C)

☐ Petty☐ Minor☐ Misdemeanor☒ Felony**PENALTY:**

See Attached.

Name of District Court, and for Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - **ASKARI AQUIL MOHAMMED**

DISTRICT COURT NUMBER

16-CR-0477 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HSI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form **BRIAN J. STRETCH**☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) **SHAILIKA S. KOTIYA****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction☐ Federal ☒ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Placer County

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARRESTMonth/Day/Year
04/14/2016

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment to Penalty Sheet
United States v. Askari Aquil Mohammed
CR 16-0477 VC
Superseding Indictment

Offenses Charged

Count Two	18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud
Count Thirteen	18 U.S.C. § 1029(a)(2) – Access Device Fraud
Count Fourteen	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft
Count Fifteen	21 U.S.C. § 841(b)(1)(B)(iii) – Possession with the Intent to Distribute 28 Grams or More of Cocaine Base
Count Sixteen	21 U.S.C. § 841(b)(1)(C) – Possession with the Intent to Distribute a Quantity of Cocaine

Maximum Penalties

Count Two	5 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Thirteen	10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 mandatory special assessment; forfeiture; restitution.
Count Fourteen	2 years' mandatory imprisonment consecutive to any other term of imprisonment imposed; \$250,000 fine; 1 year supervised release; \$100 mandatory special assessment.
Count Fifteen	Mandatory minimum term of 5 years' imprisonment, maximum term of 40 years' imprisonment; \$5,000,000 fine; Minimum term of 4 years' supervised release, maximum term of lifetime supervised release; \$100 mandatory special assessment; forfeiture.
Count Sixteen	20 years' imprisonment; \$250,000 fine; 3 years' of supervised release; \$100 mandatory special assessment; forfeiture.

1 BRIAN J. STRETCH (CABN 163973)
2 United States Attorney

FILED
2017 FEB 21 P 3:18
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DONNELL ARTIS,
16 THURMAN GAITHER III,
17 ANTONIO OLIVER,
18 STERLING HOLMES,
19 DAVONE YOUNG, and
20 ASKARI AQUIL MOHAMMED,
21 a/k/a "Chanta Hopkins,"
22

23 Defendants.

) CASE NO. CR 16-0477 VC
)

) VIOLATIONS:

) 18 U.S.C. § 922(g)(1) – Felon in Possession of a
) Firearm;
) 18 U.S.C. § 1029(b)(2) – Conspiracy to Commit
) Access Device Fraud;
) 18 U.S.C. § 922(a)(6) – False Statement During
) Acquisition of a Firearm;
) 18 U.S.C. § 1029(a)(2) – Access Device Fraud;
) 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft;
) 21 U.S.C. § 841(b)(1)(B)(iii) – Possession with the
) Intent to Distribute 28 Grams or More of Cocaine
) Base;
) 21 U.S.C. § 841(b)(1)(C) – Possession with the Intent
) to Distribute a Quantity of Cocaine;
) 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C) –
) Access Device Fraud Forfeiture;
) 21 U.S.C. § 853 & 28 U.S.C. § 2461 – Criminal
) Forfeiture
)

) SAN FRANCISCO VENUE

24 SUPERSEDING INDICTMENT

25 The Grand Jury charges:

26 COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

27 1. On or about March 26, 2016, in the Northern District of California, the defendants,
28

SUPERSEDING INDICTMENT

DONNELL ARTIS,
THURMAN GAITHER III,
ANTONIO OLIVER,
STERLING HOLMES, and
DAVONE YOUNG,

each having been previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess firearms, specifically, a Glock Model 26 bearing serial number EXT536US; a Glock Model 36 bearing serial number URF319; a Glock Model 30 bearing serial number DEH703US; a Glock Model 22 bearing serial number XCA680; and a Springfield Model XD bearing serial number XD352789, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO: (18 U.S.C. §1029(b)(2) – Conspiracy to Commit Access Device Fraud)

2. Beginning on a date unknown to the grand jury and continuing to on or about April 11, 2016, in the Northern District of California and elsewhere, the defendants,

DONNELL ARTIS,
THURMAN GAITHER III,
ANTONIO OLIVER,
STERLING HOLMES,
DAVONE YOUNG, and
ASKARI AQUIL MOHAMMED,

together with others known and unknown to the grand jury did conspire and agree to knowingly and with intent to defraud, produce, use, and traffic in one or more counterfeit access devices, in a manner affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

3. In furtherance of the conspiracy, and to effect the objects thereof, the defendants engaged in the following conduct in the Northern District of California and elsewhere:

a. On or about April 2, 2016, ARTIS used a counterfeit credit card bearing an account number ending in 7083 to make a purchase for \$1,831.42 at the Kay Jewelers in San Diego, California.

b. On or about February 18, 2016, GAITHER used a counterfeit credit card bearing an account number ending in 1867 to make a purchase of \$1,756.42 and a second purchase of \$1,756.42 at Barneys New York in San Francisco, California.

SUPERSEDING INDICTMENT

1 c. On or about February 18, 2016, OLIVER used a counterfeit credit card bearing an
2 account number ending in 2361 to make a purchase of \$2,338.24 and a purchase of \$1,397.53 at Barneys
3 New York in San Francisco, California.

4 d. On or about February 18, 2016, HOLMES used a counterfeit credit card bearing
5 an account number ending in 8945 to make a purchase of \$1,576.00 and a purchase of \$1,468.14 at
6 Barneys New York in San Francisco, California.

7 e. On or about February 18, 2016, YOUNG used a counterfeit credit card bearing an
8 account number ending in 9396 to make a purchase of \$2,055.49 and a purchase of \$864.57 at Barneys
9 New York in San Francisco, California.

10 f. On or about March 31, 2016, MOHAMMED used a counterfeit credit card
11 bearing an account number ending in 0637 to make a purchase of \$1,468.22 at Burberry in San
12 Francisco, California.

13 g. On or about April 11, 2016, MOHAMMED possessed device-making equipment;
14 to wit, an embosser, a printer, foil spools, printer card feeders, various printer ribbons, blank credit
15 cards, and holograms used to make access devices.

16 All in violation of Title 18, United States Code, Section 1029(b)(2)).

17 COUNT THREE: (18 U.S.C. § 922(a)(6) – False Statement During Acquisition of a Firearm)

18 4. On or about March 26, 2016, in the Northern District of California, the defendant,
19 DONNELL ARTIS,
20 in connection with the acquisition of firearms, namely, a Glock Model 26 bearing serial number
21 EXT536US; a Glock Model 36 bearing serial number URF319; a Glock Model 30 bearing serial number
22 DEH703US; a Glock Model 22 bearing serial number XCA680; and a Springfield Model XD bearing
23 serial number XD352789, from the Jackson Arms Shooting Range and Gun Shop in South San
24 Francisco, California, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
25 States Code, did knowingly furnish and exhibit a false, fictitious, and misrepresented identification with
26 the intent to deceive the Jackson Arms Shooting Range and Gun Shop with respect to a fact material to
27 the lawfulness of the acquisition of said firearms by the defendant, namely, the defendant presented a
28

SUPERSEDING INDICTMENT

1 Texas Driver's License, number XXXX1792, in the name of M.W. but bearing the defendant's
2 photograph, as proof of identification, when the defendant knew that his true name was Donnell Artis
3 and that his prior conviction for a crime punishable by a term of imprisonment exceeding one year
4 precluded him from acquiring said firearms.

5 All in violation of Title 18, United States Code, Section 922(a)(6).

6 COUNT FOUR: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

7 5. On or about March 26, 2016, in the Northern District of California and elsewhere, the
8 defendant,

9 DONNELL ARTIS,

10 did knowingly possess and use, without lawful authority, the means of identification of another person,
11 that is, the name of the real individual M.W., during and in relation to a felony violation of Title 18,
12 United States Code, Section 922(a)(6), as described in Count Three of this Indictment.

13 All in violation of Title 18, United States Code, Section 1028A(a)(1).

14 COUNT FIVE: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Access Devices to Obtain \$1000 or more)

15 6. From on or about February 18, 2015, to on or about February 18, 2016, in the Northern
16 District of California and elsewhere, the defendant,

17 THURMAN GAITHER, III,

18 did knowingly and with intent to defraud use unauthorized and counterfeit access devices, and by such
19 conduct, obtain anything of value aggregating at least \$1,000 within a one-year period, and, in so doing,
20 affected interstate commerce.

21 All in violation of Title 18, United States Code, Section 1029(a)(2).

22 COUNT SIX: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

23 7. On or about February 18, 2016, in the Northern District of California and elsewhere, the
24 defendant,

25 THURMAN GAITHER, III,

1 did knowingly possess and use, without lawful authority, the means of identification of another person,
2 that is, the credit card number of the real individual R.C., during and in relation to a felony violation of
3 Title 18, United States Code, Section 1029(a)(2), as described in Count Five of this Indictment.

4 All in violation of Title 18, United States Code, Section 1028A(a)(1).

5 COUNT SEVEN: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Access Devices to Obtain \$1000 or more)

6 8. From on or about February 18, 2015, to on or about February 18, 2016, in the Northern
7 District of California and elsewhere, the defendant,

8 ANTONIO OLIVER,

9 did knowingly and with intent to defraud use unauthorized and counterfeit access devices, and by such
10 conduct, obtain anything of value aggregating at least \$1,000 within a one-year period, and, in so doing,
11 affected interstate commerce.

12 All in violation of Title 18, United States Code, Section 1029(a)(2).

13 COUNT EIGHT: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

14 9. On or about February 18, 2016, in the Northern District of California and elsewhere, the
15 defendant,

16 ANTONIO OLIVER,

17 did knowingly possess and use, without lawful authority, the means of identification of another person,
18 that is, the credit card number of the real individual P.D., during and in relation to a felony violation of
19 Title 18, United States Code, Section 1029(a)(2), as described in Count Seven of this Indictment.

20 All in violation of Title 18, United States Code, Section 1028A(a)(1).

21 COUNT NINE: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Access Devices to Obtain \$1000 or more)

22 10. From on or about February 18, 2015, to on or about February 18, 2016, in the Northern
23 District of California and elsewhere, the defendant,

24 STERLING HOLMES,

25 did knowingly and with intent to defraud use unauthorized and counterfeit access devices, and by such
26 conduct, obtain anything of value aggregating at least \$1,000 within a one-year period, and, in so doing,
27 affected interstate commerce.

28 SUPERSEDING INDICTMENT

1 All in violation of Title 18, United States Code, Section 1029(a)(2).

2 COUNT TEN: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

3 11. On or about February 18, 2016, in the Northern District of California and elsewhere, the
4 defendant,

5 STERLING HOLMES,

6 did knowingly possess and use, without lawful authority, the means of identification of another person,
7 that is, the credit card number of the real individual T.I., during and in relation to a felony violation of
8 Title 18, United States Code, Section 1029(a)(2), as described in Count Nine of this Indictment.

9 All in violation of Title 18, United States Code, Section 1028A(a)(1).

10 COUNT ELEVEN: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Access Devices to Obtain \$1000 or
11 more)

12 12. From on or about February 18, 2015, to on or about February 18, 2016, in the Northern
13 District of California and elsewhere, the defendant,

14 DAVONE YOUNG,

15 did knowingly and with intent to defraud use unauthorized and counterfeit access devices, and by such
16 conduct, obtain anything of value aggregating at least \$1,000 within a one-year period, and, in so doing,
17 affected interstate commerce.

18 All in violation of Title 18, United States Code, Section 1029(a)(2).

19 COUNT TWELVE: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

20 13. On or about February 18, 2016, in the Northern District of California and elsewhere, the
21 defendant,

22 DAVONE YOUNG,

23 did knowingly possess and use, without lawful authority, the means of identification of another person,
24 that is, the credit card number of the real individual A.M., during and in relation to a felony violation of
25 Title 18, United States Code, Section 1029(a)(2), as described in Count Eleven of this Indictment.

26 All in violation of Title 18, United States Code, Section 1028A(a)(1).

27
28 SUPERSEDING INDICTMENT

1 COUNT THIRTEEN: (18 U.S.C. § 1029(a)(2) – Unlawful Use of Access Devices to Obtain \$1000 or
2 more)

3 14. From on or about March 31, 2015, to on or about March 31, 2016, in the Northern
4 District of California and elsewhere, the defendant,

5 ASKARI AQUIL MOHAMMED,
6 did knowingly and with intent to defraud use unauthorized and counterfeit access devices, and by such
7 conduct, obtain anything of value aggregating at least \$1,000 within a one-year period, and, in so doing,
8 affected interstate commerce.

9 All in violation of Title 18, United States Code, Section 1029(a)(2).

10 COUNT FOURTEEN: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

11 15. On or about March 31, 2016, in the Northern District of California and elsewhere, the
12 defendant,

13 ASKARI AQUIL MOHAMMED,
14 did knowingly possess and use, without lawful authority, the means of identification of another person,
15 that is, the credit card number of the real individual A.M.C., during and in relation to a felony violation
16 of Title 18, United States Code, Section 1029(a)(2), as described in Count Thirteen of this Indictment.

17 All in violation of Title 18, United States Code, Section 1028A(a)(1).

18 COUNT FIFTEEN: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(iii) – Possession with intent to distribute 28
19 grams or more of a mixture or substance which contains cocaine base)

20 16. On or about April 11, 2016, in the Northern District of California, the defendant,

21 ASKARI AQUIL MOHAMMED,
22 did knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, to
23 wit: 28 grams and more of a mixture or substance containing cocaine base.

24 All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(iii).

25 COUNT SIXTEEN: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with intent to distribute a
26 quantity of cocaine)

27 17. On or about April 11, 2016, in the Northern District of California, the defendant,

28 SUPERSEDING INDICTMENT

1 ASKARI AQUIL MOHAMMED,

2 did knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, to
3 wit: cocaine, its salts, optical and geometric isomers, and salts of its isomers.

4 All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

5 FORFEITURE ALLEGATIONS: (18 U.S.C. § 982(a)(2)(B); 18 U.S.C. § 1029(c)(1)(C); 21 U.S.C.
6 § 853; and 28 U.S.C. § 2461(c))

7 18. The allegations contained in Counts One through Sixteen of this Superseding Indictment
8 are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18
9 U.S.C. §§ 982(a)(2)(B), 1029(c)(1)(C), and 21 U.S.C. § 853.

10 19. Upon conviction of any of the offenses alleged in Counts Two, Three, Five, Seven, Nine,
11 Eleven, and Thirteen the defendants,

12 DONNELL ARTIS,
13 THURMAN GAITHER III,
14 ANTONIO OLIVER,
15 STERLING HOLMES,
16 DAVONE YOUNG, and
17 ASKARI AQUIL MOHAMMED,

18 shall forfeit to the United States of America, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C),
19 any property constituting or derived from proceeds the defendants obtained, directly or indirectly, as the
20 result of such violations and any personal property used or intended to be used to commit, or facilitate
21 the commission, of the offenses.

22 20. The property to be forfeited includes, but is not limited to:

- 23 a. Identification documents in the name of other individuals;
24 b. Documents and digital images containing the means of identification of other
25 individuals;
26 c. Counterfeit and unauthorized access devices, including credit cards in the name of
27 other individuals and unembossed credit cards;
28 d. Device-making equipment; and
e. A 24" gold chain necklace purchased by ARTIS using a counterfeit credit card on
or about April 2, 2016.

1 21. Upon conviction of any of the offenses alleged in Counts Fifteen and Sixteen, the
2 defendant,

3 ASKARI AQUIL MOHAMMED,

4 shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a), all right, title,
5 and interest in any property constituting or derived from any proceeds the defendant obtained, directly or
6 indirectly, as a result of said violation, and any property used, or intended to be used, to commit or to
7 facilitate the commission of such violation, including but not limited to the following property:

8 a. Approximately \$1,869 seized from his person on or about April 11, 2016;

9 b. Approximately \$2,100 in cash seized from his residence at 45 Lansing Street,
10 Unit 3306, San Francisco, California on or about April 11, 2016; and

11 c. A digital scale seized from the same residence on or about April 11, 2016.

12 22. If any of the property described above, as a result of any act or omission of the
13 defendant:

14 a. cannot be located upon the exercise of due diligence;

15 b. has been transferred and sold to, and deposited with, a third party;

16 c. has been placed beyond the jurisdiction of the court;

17 d. has been substantially diminished in value; or

18 e. has been commingled with other property which cannot be divided without
19 difficulty,

20 any and all interest the defendants have in any other property (not to exceed the value of the above
21 forfeitable property) shall be forfeited to the United States pursuant to Title 21, United States Code,
22 Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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28 SUPERSEDING INDICTMENT


1 All in violation of Title 21, United States Code, Section 853, and Title 28, United States Code,
2 Section 2461(c), and pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


3 DATED: 2/21/17

A TRUE BILL.

4
5 
6 FOREPERSON

7 BRIAN J. STRETCH
8 United States Attorney

9 
10 ELISE BECKER
11 Deputy Chief, Criminal Division

12 (Approved as to form: )
13 SHAILIKA S. KOTIYA
14 KATHERINE L. WAWRZYNIAK
15 Assistant United States Attorneys
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SUPERSEDING INDICTMENT